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THE MECKLENBURG DECLARATION: THE PRESENT STATUS OF THE QUESTION¹

THE news of the passage of the Boston Port Bill reached the southern provinces in the summer of 1774. In North Carolina, as elsewhere, meetings were held in the principal towns and in several of the counties, and a general meeting was proposed, to be composed of deputies chosen from every county and town entitled to representation in the Assembly. This first general convention of the people of North Carolina was held in New Bern on August 25, 26 and 27, 1774. On the last day resolutions were adopted declaring allegiance to the crown of Great Britain but vigorously asserting rights as Englishmen, denouncing the Boston Port Bill, naming three delegates (William Hooper, Joseph Hewes and Richard Caswell) to the Continental Congress to be held in Philadelphia the following autumn, and recommending "to the deputies of the several Counties, That a Committee of five persons be chosen in each County by such persons as accede to this association to take effectual care that these Resolves be properly observed and to correspond occasionally with the Provincial Committee of Correspondence of this province."²

The committee for Mecklenburg County, in Charlotte, on May 31, 1775, passed a set of resolutions which were published in *The South-Carolina Gazette; And Country Journal* (Charles Town) for June 13, 1775; in *The North-Carolina Gazette* (New Bern) for June 16, 1775; and in *The Cape-Fear Mercury* (Wilmington) for June 23, 1775. The following are the resolutions as they appear in *The North-Carolina Gazette*:

Charlotte Town, Mecklenburg County, May 31.

This Day the COMMITTEE met, and passed the following

RESOLVES:

WHEREAS by an Address presented to his Majesty by both Houses of Parliament in *February* last, the *American Colonies* are declared to

¹ *The Mecklenburg Declaration of Independence, May 20, 1775, and Lives of Its Signers.* By George W. Graham, M.D. (New York and Washington: The Neale Publishing Company. 1905. Pp. 205.)

The Mecklenburg Declaration of Independence: A Study of Evidence Showing that the Alleged Early Declaration of Independence by Mecklenburg County, North Carolina, on May 20th, 1775, is Spurious. By William Henry Hoyt, A.M. (New York and London: G. P. Putnam's Sons. 1907. Pp. xv, 284.)

² *Colonial Records of North Carolina*, IX. 1043-1049.

be in a State of actual Rebellion, we conceive that all Laws and Commissions confirmed by, or derived from the Authority of the King or Parliament, are annulled and vacated, and the former civil Constitution of these Colonies for the present wholly suspended. To provide in some Degree for the Exigencies of the County in the present alarming Period, we deem it proper and necessary to pass the following RESOLVES, *viz.*

1. That all Commissions, civil and military, heretofore granted by the Crown, to be exercised in these Colonies, are null and void, and the Constitution of each particular Colony wholly suspended.

2. That the Provincial Congress of each Province, under the Direction of the Great Continental Congress, is invested with all legislative and executive Powers within their respective Provinces; and that no other Legislative or Executive does or can exist, at this Time, in any of these Colonies.

3. As all former Laws are now suspended in this Province, and the Congress have not yet provided others, we judge it necessary, for the better Preservation of good Order, to form certain Rules and Regulations for the internal Government of this County, until Laws shall be provided for us by the Congress.

4. That the Inhabitants of this County do meet on a certain Day appointed by this Committee, and having formed themselves into nine Companies, *to wit*, eight for the County, and one for the Town of *Charlotte*, do choose a Colonel and other military Officers, who shall hold and exercise their several Powers by Virtue of this Choice, and independent of *Great-Britain*, and former Constitution of this Province.

5. That for the better Preservation of the Peace, and Administration of Justice, each of these Companies do choose from their own Body two discreet Freeholders, who shall be impowered each by himself, and singly, to decide and determine all Matters of Controversy arising within the said Company under the Sum of Twenty Shillings, and jointly and together all Controversies under the Sum of Forty Shillings, yet so as their Decisions may admit of Appeals to the Convention of the Select Men of the whole County; and also, that any one of these shall have Power to examine, and commit to Confinement, Persons accused of Petit Larceny.

6. That those two Select Men, thus chosen, do, jointly and together, choose from the Body of their particular Company two Persons, properly qualified to serve as Constables, who may assist them in the Execution of their Office.

7. That upon the Complaint of any Person to either of these Select Men, he do issue his Warrant, directed to the Constable, commanding him to bring the Aggressor before him or them to answer the said Complaint.

8. That these eighteen Select Men, thus appointed, do meet every third *Tuesday*³ in *January, April, July, and October*, at the Court-House, in *Charlotte*, to hear and determine all Matters of Controversy for Sums exceeding Forty Shillings; also Appeals: And in Cases of Felony, to commit the Person or Persons convicted thereof to close Confinement.

³ *The South-Carolina Gazette; And Country Journal* prints "Thursday", but all other contemporary copies and the court records themselves show "Tuesday" to have been correct.

ment, until the Provincial Congress shall provide and establish Laws and Modes of Proceeding in all such Cases.

9. That these Eighteen Select Men, thus convened, do choose a Clerk to record the Transactions of said Convention; and that the said Clerk, upon the Application of any Person or Persons aggrieved, do issue his Warrant to one of the Constables, to summons and warn said Offender to appear before the Convention at their next sitting, to answer the aforesaid Complaint.

10. That any Person making complaint upon Oath to the Clerk, or any Member of the Convention, that he has Reason to suspect that any Person or Persons indebted to him in a Sum above Forty Shillings, do intend clandestinely to withdraw from the County without paying such Debt; the Clerk, or such Member, shall issue his Warrant to the Constable, commanding him to take the said Person or Persons into safe Custody, until the next sitting of the Convention.

11. That when a Debtor for a Sum below Forty Shillings shall abscond and leave the County, the Warrant granted as aforesaid shall extend to any Goods or Chattels of the said Debtor as may be found, and such Goods or Chattels be seized and held in Custody by the Constable for the Space of Thirty Days; in which Term if the Debtor fails to return and discharge the Debt, the Constable shall return the Warrant to one of the Select Men of the Company where the Goods and Chattels are found, who shall issue Orders to the Constable to sell such a Part of the said Goods as shall amount to the Sum due; that when the Debt exceeds Forty Shillings, the Return shall be made to the Convention, who shall issue the Orders for Sale.

12. That all Receivers and Collectors of Quitrents, Public and County Taxes, do pay the same into the Hands of the Chairman of this Committee, to be by them disbursed as the public Exigencies may require. And that such Receivers and Collectors proceed no farther in their Office until they be approved of by, and have given to this Committee good and sufficient Security for a faithful Return of such Monies when collected.

13. That the Committee be accountable to the County for the Application of all Monies received from such public Officers.

14. That all these Officers hold their Commissions during the Pleasure of their respective Constituents.

15. That this Committee will sustain all Damages that may ever hereafter accrue to all or any of these Officers thus appointed, and thus acting, on Account of their Obedience and Conformity to these Resolves.

16. That whatever Person shall hereafter receive a Commission from the Crown, or attempt to exercise any such Commission heretofore received, shall be deemed an Enemy to his Country; and upon Information being made to the Captain of the Company where he resides, the said Captain shall cause him to be apprehended, and conveyed before the two Select Men of the said Company, who, upon Proof of the Fact, shall commit him the said Offender, into safe Custody, until the next setting of the Convention, who shall deal with him as Prudence may direct.

17. That any Person refusing to yield Obedience to the above Resolves shall be deemed equally criminal, and liable to the same Punishments as the Offenders above last mentioned.

18. That these Resolves be in full Force and Virtue, until Instructions from the General Congress of this Province, regulating the Jurisprudence of this Province, shall provide otherwise, or the legislative Body of *Great-Britain* resign its unjust and arbitrary Pretentions with Respect to *America*.

19. That the several Militia Companies in this county do provide themselves with proper Arms and Accoutrements, and hold themselves in Readiness to execute the commands and Directions of the Provincial Congress, and of this committee.

20. That this committee do appoint Colonel *Thomas Polk*, and Doctor *Joseph Kennedy*, to purchase 300lb. of Powder, 600lb. of Lead, and 1000 Flints, and deposit the same in some safe Place, hereafter to be appointed by the committee.

Signed by Order of the Committee.

EPH. BREVARD, *Clerk of the Committee.*

In a letter dated "New Bern 18th. June 1775" Richard Cogdell inclosed a copy of *The North-Carolina Gazette* containing the foregoing resolutions to Richard Caswell, in attendance on the Continental Congress in Philadelphia, with these comments thereon: "you'l Observe the Mecklinburg resolves, exceed all other Committees, or the Congress itself. I send you the paper wherein they are incerted as I hope this will come soon to hand."

On June 16, 1775, Governor Martin issued a proclamation in which he denied the allegations of designs on the part of the British Ministry and Parliament to enslave Americans, lately made by the revolutionary party in the counties of the Wilmington district, and severely denounced the revolutionists in North Carolina.

On Tuesday, June 20, 1775, the several committees in the district of Wilmington met in the court house in Wilmington, and Richard Quince, sr., was unanimously chosen chairman. Among the matters taken up was Governor Martin's proclamation of the 16th, and a committee of three was appointed to answer it. On Wednesday, the 21st, this committee returned its answer "which was read and ordered to be printed in the public papers and in hand bills". The preamble of the resolutions presented by this special committee and approved of by the general meeting of the committees closed with the following language:

We, then, the Committees of the counties of New Hanover, Brunswick, Bladen, Duplin and Onslow, in order to prevent the pernicious influence of the said Proclamation, do, unanimously, resolve, that in our opinion, his Excellency Josiah Martin, Esq, hath by the said Proclamation, and by the whole tenor of his conduct, since the unhappy disputes between Great Britain and the colonies, discovered himself to be an enemy to the happiness of this colony in particular, and to the freedom, rights and privileges of America in general.

At a meeting of His Majesty's council for North Carolina, held June 25, 1775, Governor Martin called the attention of the council to the

seditions Combinations that have been formed, and are still forming in several parts of this Colony and the violent measures they pursue in compelling His Majesty's Subjects by various kinds of intimidations, to subscribe Associations, inconsistent with their Duty and allegiance to their Sovereign, The obliging People to frequent meetings in Arms, by the usurped Authority of Committees, the recent Assemblage of a Body of armed Men, in the town of Wilmington for the purpose of awing His Majesty's Loyal Subjects there into submission to the dictates of an illegal and tyrannical tribunal erected there under that name, and the late most treasonable publication of a Committee in the County of Mecklenburg, explicitly renouncing obedience to His Majesty's Government and all lawfull authority whatsoever.

In a letter written at Fort Johnston, North Carolina, June 30, 1775, Governor Martin detailed to the Earl of Dartmouth, British Secretary of State for the American Department, what had happened in North Carolina since his last despatch (no. 33). He recounted a visit to him from the citizens of New Bern on the 23rd of that month, told of news he had received of some ammunition and arms which General Gage was sending to him and of his apprehension that they would fall into the hands of the revolutionists, of his removal to Fort Johnston from New Bern, of the taking and carrying off of some cannons that had lain behind his house, of the necessity he had been under of publishing the proclamation of the 16th of June (a copy of which he enclosed) and of the reply thereto of the committees at Wilmington on the 21st, using this language:

The News Paper enclosed will shew Your Lordship that the same spirit of Sedition and extravagance that gave cause to that Act of Government, has produced an impudent and formal contradiction of the undeniable truths it contains, under the authority of a Committee; proving irrefragably that People embarked in a bad cause, scruple not to avail themselves of the basest falsehoods, and calumnies to support it according to custom, and as the last effort of malice, and falsehood, Your Lordship will find this Publication proscribes me as an Enemy to this Province in particular, and to America in General.

After detailing how he could organize a regiment of loyalists in North Carolina, Governor Martin referred to his council as follows:

The Minutes of Council held at this place the other day, will make the impotence of Government here as apparent to your Lordship, as anything I can set before you.

In the next paragraph Governor Martin wrote:

The Resolves of the Committee of Mecklenburg which Your Lordship will find in the enclosed News Paper, surpass all the horrid and

treasonable publications that the inflammatory spirits of this Continent have yet produced; and Your Lordship may depend, its Authors and abettors will not escape my due notice, whenever my hands are sufficiently strengthened to attempt the recovery of the lost authority of Government. A Copy of these Resolves I am informed were sent off by express to the Congress at Philadelphia, as soon as they were passed in the Committee.

Governor Martin discussed other matters, and a second time spoke of what "your Lordship will see on the minutes of the Council". He referred to the enclosed proclamation once, to "the enclosed News Paper" twice, and to the minutes of council twice. No other enclosures are mentioned in the letter. He referred to two different matters as published "in the enclosed News Paper". One of these was the reply made to his proclamation of June 16 by the committees of the Wilmington district on June 21, and the other was the resolves of the committee of Mecklenburg of May 31. The "enclosed News Paper", therefore, could only have been one issued between June 21 and June 30, and was undoubtedly *The Cape-Fear Mercury* of Wilmington, of Friday, June 23, 1775. It was necessarily the Wilmington paper of that date or the New Bern paper of the same date, as all other papers were too far off to have permitted of the news of the 21st going and the printed paper coming back between the 21st and the 30th. We have already seen that the Mecklenburg resolutions of May 31 were published in the New Bern paper of June 16. It is hardly likely that they were republished in the same paper on the 23rd. Fort Johnston was too far off for Governor Martin to have received a paper on the 30th, the day of publication, so it is evident that it was *The Cape-Fear Mercury* of June 23 to which Governor Martin twice referred in his letter of June 30 as "the enclosed News Paper", and *The Cape-Fear Mercury* of the 23rd had probably copied the Mecklenburg resolutions of May 31 from *The North-Carolina Gazette* of the 16th, though it is possible that a third copy of the resolutions was sent to *The Cape-Fear Mercury* and arrived too late for use in the issue of the 16th.

The letter of June 30 was termed by Governor Martin despatch "No. 34". On July 6 he wrote another letter ("No. 35") to Lord Dartmouth in which he said:

I have engaged Mr. Alexr Schaw whom I have now the honor to introduce to your Lordship to charge himself with this Letter, and my Dispatch No. 34.

On July 16 Governor Martin wrote to Lord Dartmouth:

Since the departure of Mr. Schaw who was charged with my Dispatches to your Lordship No. 34 and 35, Duplicates of which are herewith enclosed . . . Having an opportunity of writing safely by a passenger in a Merchant's Ship, I could not let it escape me without giving your Lordship the Accounts contained in this letter relative to the operations of the Army at Boston.

The passenger referred to was a Mr. Burgwine, and on September 15 Lord Dartmouth wrote to Governor Martin:

I have received from the hands of Mr. Burgwine your dispatches numbered 34, 35, 36, 37 and 38, the two first being Duplicates, the originals of which you mention to have been trusted to Mr. Schaw, who has not yet appeared.

The original of despatch "No. 34" reached Lord Dartmouth soon after and is now in the British Public Record Office. The original wrapper thereof, which probably contained the usual endorsement which would show the number of the enclosures received, were it at hand, was mislaid. Only two enclosures are with the letter now: the proclamation of June 16 and the minutes of the council of June 25. The newspaper mentioned by Governor Martin is missing and on the back of the last page of the letter, where an endorsement was made after the loss of the wrapper, is this pencilled memorandum: "Printed Paper taken out by Mr. Turner for Mr. Stevenson,⁴ August 15th, 1837." This memorandum, taken with the words of Governor Martin's letter ("No. 34"), shows that only one newspaper was enclosed and that it necessarily contained both sets of resolutions referred to as in the "enclosed News Paper". The duplicate of despatch "No. 34" is still in the collection of papers left by Lord Dartmouth and retains its original wrapper and thereon is endorsed "3 Inclosures". Only two of these are therein now: the minutes of the council of June 25 and a manuscript copy of the Mecklenburg resolutions of May 31. That shows what resolutions Governor Martin referred to when he spoke in the council meeting on June 25 of "the late most treasonable publication of a Committee in the County of Mecklenburg" and what resolutions he referred to as "in the enclosed News Paper" which he enclosed to Lord Dartmouth in his letter of June 30.

In a proclamation which Governor Martin issued to the people of North Carolina from "on board His Majesty's Sloop *Cruizer* in Cape Fear River", August 8, 1775, he again referred to the Wilmington and Mecklenburg resolutions as follows:

Whereas I have seen a publication in the *Cape Fear Mercury* which appears to be proceedings of a General Meeting of People stiling them-

⁴ The then United States minister to England.

selves Committees of the District of Wilmington signed Richard Quince Sen^r Chairman, in which the well known and incontestible facts set forth in my Proclamation bearing date the 12th day of June last are most daringly and impudently contradicted, and the basest and most scandalous Seditious and inflammatory falsehoods are asserted evidently calculated to impose upon and mislead the People of this Province and to alienate their affections from His Majesty and His Government and concluding in the true spirit of licentiousness and malignity that characterizes the production of these seditious combinations with a resolve declaring me an Enemy to the Interests of this Province in particular and America in General.

And whereas I have also seen a most infamous publication in the *Cape Fear Mercury* importing to be resolves of a set of people stiling themselves a Committee for the County of Mecklenburg most traitorously declaring the entire dissolution of the Laws Government and Constitution of this country and setting up a system of rule and regulation repugnant to the Laws and subversive of His Majesty's Government.

Here we have the direct statement that he had seen the two sets of resolutions in *The Cape-Fear Mercury*. He had stated in his letter of June 30 that both sets of resolutions, which he described in language very similar to this, were in the same paper and we have seen that in his duplicate letter he sent a copy of the Mecklenburg resolutions of May 31, as the resolutions that were in that paper. The proof is conclusive, therefore, that the resolutions Governor Martin referred to on three separate occasions were the resolutions of May 31 and that they were printed in *The Cape-Fear Mercury* of June 23, 1775, after having been printed in two other papers the preceding week.⁵

⁵ In an article in *The State* (Columbia, S. C.) of July 30, 1905, this reviewer, discussing this subject, made the following statement in reference to the resolutions of May 31: "These resolutions were printed in *The South-Carolina Gazette; And Country Journal*, a weekly newspaper published in Charles Town, S. C., on Tuesday, June 13, 1775, and about the same time in *The Cape-Fear Mercury*." That statement was immediately questioned by Dr. A. J. McKelway of Charlotte, who wrote to this reviewer as follows: "Your statement that the Resolves of the 31st. were published in the *Cape Fear Mercury* is without historical proof. In investigating that matter of the duplicate letter to Lord Dartmouth, through the kind offices of Ambassador Choate, I discovered that the 'enclosed Newspaper' was not the *Cape Fear Mercury* but the *South Carolina Gazette and Country Journal*, a copy of which you have doubtless perused in the Charleston Library."

Acting upon that advice the writer stated in his pamphlet, *The True Mecklenburg "Declaration of Independence"* (Columbia, S. C., 1905), that the duplicate of despatch "N^o. 34" "contains a manuscript copy of the resolutions of May 31st, and they are credited to *The South-Carolina Gazette; And Country Journal* of June 13, 1775". The truth revealed by photographs of the manuscript copy of the resolutions in the duplicate despatch shows that it is almost impossible to get the truth from secondary sources when people misrepresent things. There is

Bold as these resolutions were they did not declare the "entire dissolution of the Laws Government and Constitution of this country" as Governor Martin in his haste supposed but merely provided temporarily for "the better preservation of good order" in the county during the suspension of the laws under the declarations of the British Parliament and the British civil officers. The temporary government so formed became permanent after the Declaration of Independence by the American provinces July 4, 1776, and the Mecklenburg resolutions of May 31, 1775, under which the temporary government was organized, soon came to be looked upon extra-legally or traditionally by the people of that section of North Carolina as a county declaration of independence. The earliest evidence that such view of the resolutions was held by anyone is to be found in an historical sketch which was discovered in 1904 among the Moravian archives at Bethania, N. C. It is in German, undated, and unsigned, but in a most critically prepared paper, which has been published several times, Miss Adelaide L. Fries of Winston-Salem, N. C., has shown that it was written by Traugott Bagge about September, 1783. The following is the paragraph (translated) referring to the Mecklenburg "Declaration" under the sub-head "1775".

I cannot leave unmentioned at the end of the 1775th year that already in the summer of this year, that is in May, June or July, the county of Mecklenburg declared itself free and independent of England, and made such arrangements for the administration of the laws among themselves, as later the Continental Congress made for all. This Congress, however, considered these proceedings premature.

The next link we have in this chain of tradition constructed by fallible human recollection is a document which was prepared by John McKnitt Alexander in 1800. It appears that his house was destroyed by fire in April, 1800; that he had had therein some contemporary records of the Mecklenburg proceedings and resolutions of May, 1775, and that some time between April 6 and September 3, 1800, he prepared a rough summary of the salient features of the so-called "Declaration" and associated events as he remembered

no evidence whatever on "the duplicate letter to Lord Dartmouth" to warrant the assertion that "the 'enclosed newspaper' was not the *Cape Fear Mercury* but the *South Carolina Gazette and Country Journal*." The name of the newspaper is nowhere given in any of the Martin papers now before us, but internal evidence in those papers shows which newspaper it was, as will be seen above.

Another volunteer correspondent also misled the writer into saying that Sparks had asserted in one of his manuscripts (Harvard Library, Sparks MSS., vol. LVI.) that the paper sent over by Martin was the *Charles Town Gazette*. Sparks says in that manuscript that it "was undoubtedly the 'Cape Fear gazette'".

them. This summary shows that he had no recollection of the phraseology of the document which he termed a declaration of independence, but it is quite apparent that he was trying to recall the resolutions of May 31. He fixed the date of the passage of the "Declaration" as 12 o'clock, May 20, 1775, and credited their passage to a committee.

The next reference to this "Declaration" is embodied in the following toast that was offered at a banquet held in Charlotte on the night of the 4th of July, 1808:

By Jos. Pearson—The Patriots of Mecklenburg: the first to declare Independence—May their sons be the last to acknowledge themselves slaves.⁶

The next traditionary mention of this "Declaration of Independence" is to be found in a valedictory address delivered at Sugar Creek Academy, in Mecklenburg County, June 1, 1809, and published in *The Minerva*, of Raleigh, for August 10, 1809. The following is the pertinent extract from the address:

On the 19th of May 1776, a day sacredly exulting to every Mecklenburg bosom, two delegates duly authorized from every militia company in this county* met in Charlotte—After a cool and deliberate investigation of the causes and extent of our differences with G. Britain, and taking a view of the probable result; pledging their all in support of their rights and liberties; they solemnly entered into and published a full and determined *declaration* of independence, renouncing forever all allegiance, dependence on or connection with Great Britain; dissolved all judicial and military establishments emanating from the British crown; established others on principles correspondent with their declaration, which went into immediate operation: All which were transmitted to Congress by express, and probably expedited the general declaration of Independence. May we ever act worthy of such predecessors.

This address was evidently prepared by a person of mature years, as one may see by a perusal of the whole of it, and, as the teacher of the Sugar Creek Academy, Samuel C. Caldwell, was a son-in-law of John McKnitt Alexander, it is simple enough to trace the source from which emanated the reference to the "Declaration of Independence" made in the valedictory. While the paragraph quoted describes very inaccurately the resolutions of May 31, 1775, it is in keeping with what John McKnitt Alexander wrote in 1800. The committee did not publish a "full and determined declaration of Independence, renouncing forever all allegiance, dependence on or connection with Great Britain", but expressed the opinion that by Great Britain's own acts the laws had become nullified in North

⁶ See *The Raleigh Register*, July 28, 1808.

Carolina and that Mecklenburg County was without the benefits of a government. The resolutions of May 31 did provide for the dissolution of "all judicial and military establishments emanating from the British crown" and for the establishment of "others on principles correspondent with their declaration", but the dissolution was to be only temporary, and the provision as to courts was never carried out, as is shown by the records of the county court in Charlotte. Governor Martin's letter of June 30, 1775, to the Earl of Dartmouth confirms the statement that the resolutions "were transmitted to Congress by express".

To the asterisk in the above extract the following foot-note appears in *The Minerva*: * "The present county of Cabarrus was then included in Mecklenburg." The significance of that foot-note and its bearing on future evolutions of this "Declaration of Independence" will become apparent later.

John McKnitt Alexander died July 10, 1817. During the same year Wirt's *Life of Patrick Henry* appeared in which the claim was made that Henry "gave the first impulse to the ball of the Revolution". This was followed by discussions as to whether the earliest movements that led to American independence took place in Virginia or Massachusetts. During the session of Congress of 1818-1819 the claim was made that North Carolina made the earliest movement; that the people of Mecklenburg County had declared independence before July 4, 1776. Senator Macon and Representative William Davidson, the representative of the district including Mecklenburg County, wrote to persons in that section for information: Macon to General Joseph Graham, and Davidson to Dr. Joseph McKnitt Alexander, a son of John McKnitt Alexander. The latter sent Davidson the following account of the disputed event which he said he had copied from papers left by his father. Davidson gave it to Macon, who sent it to the *Raleigh Register and North Carolina Gazette*, wherein it was published April 30, 1819.

It is not probably known to many of our readers, that the citizens of Mecklenburg County, in this State made a Declaration of Independence more than a year before Congress made theirs. The following Document on the subject has lately come to the hands of the Editor from unquestionable authority, and is published that it may go down to posterity.

North-Carolina, Mecklenburg County,
May 20, 1775

In the spring of 1775, the leading characters of Mecklenburg county, stimulated by that enthusiastic patriotism which elevates the mind above considerations of individual aggrandisement, and scorning to shelter themselves from the impending storm by submission to lawless power,

&c &c held several detached meetings, in each of which the individual sentiments were "that the cause of Boston was the cause of all; that their destinies were indissolubly connected with those of their Eastern fellow-citizens—and that they must either submit to all the impositions which an unprincipled, and to them an unrepresented parliament might impose—or support their brethren who were doomed to sustain the first shock of that power, which, if successful there, would ultimately overwhelm all in the common calamity. Conformably to these principles, Col. Adam Alexander, through solicitation, issued an order to each Captain's Company in the county of Mecklenburg, (then comprising the present county of Cabarrus) directing each militia company to elect two persons, and delegate to them ample power to devise ways and means to aid and assist their suffering brethren in Boston, and also generally to adopt measures to extricate themselves from the impending storm, and to secure unimpaired their inalienable rights, privileges and liberties from the dominant grasp of British imposition and tyranny.

In conforming to said Order, on the 19th of May, 1775, the said delegation met in Charlotte, vested with unlimited powers; at which time official news, by express, arrived of the Battle of Lexington on that day of the preceding month. Every delegate felt the value and importance of the prize, and the awful and solemn crisis which had arrived—every bosom swelled with indignation at the malice, inveteracy and insatiable revenge developed in the late attack at Lexington. The universal sentiment was: let us not flatter ourselves that popular harangues—or resolves; that popular vapor will avert the storm, or vanquish our common enemy—let us deliberate—let us calculate the issue—the probable result; and then let us act with energy as brethren leagued to preserve our property—our lives,—and what is still more endearing, the liberties of America. *Abraham Alexander* was then elected Chairman, and *John M'Knitt Alexander*, Clerk. After a free and full discussion of the various objects for which the delegation had been convened, it was unanimously Ordained—

1. *Resolved*, That whosoever directly or indirectly abetted, or in any way, form or manner countenanced the unchartered and dangerous invasion of our rights, as claimed by Great-Britain, is an enemy to this Country,—to America,—and to the inherant and inalienable rights of man.

2. *Resolved*, That we the citizens of Mecklenburg County, do hereby dissolve the political bands which have connected us to the Mother Country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, contract or association with that Nation, who have wantonly trampled on our rights and liberties—and inhumanly shed the innocent blood of American patriots at Lexington.

3. *Resolved*, That we do hereby declare ourselves a free and independent People, are and of right ought to be, a sovereign and self-governing Association, under the control of no power other than that of our God and the General Government of the Congress; to the maintenance of which independence, we solemnly pledge to each other our mutual cooperation, our lives, our fortunes, and our most sacred honor.

4. *Resolved*, That as we now acknowledge the existence and control of no law or legal officer, civil or military, within this County, We

do hereby ordain and adopt, as a rule of life, all, each and every of our former laws,—wherein, nevertheless, the Crown of Great-Britain never can be considered as holding rights, privileges, immunities or authority therein.

5. *Resolved*, That it is also further decreed, that all, each and every military officer in this county is hereby reinstated to his former command and authority, he acting conformably to these regulations. And that every member present of this delegation shall henceforth be a civil officer, viz: a Justice of the Peace, in the character of a '*Committee man*,' to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, and union, and harmony in said County,—and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province.

A number of bye-laws were also added, merely to protect the association from confusion and to regulate their general conduct as citizens. After sitting in the Courthouse all night, neither sleepy, hungry, or fatigued, and after discussing every paragraph, they were all passed, sanctioned and declared *unanimously*, about 2 o'clock, A. M. May 20. In a few days a deputation of said delegation convened, when Capt. *James Jack* of Charlotte was deputed as express to the Congress at Philadelphia, with a copy of said Resolves and Proceedings, together with a letter addressed to our three Representatives there, viz: *Richard Caswell*, *Wm. Hooper* and *Joseph Hughes*—under express injunction, personally, and through the state representation, to use all possible means to have said proceedings sanctioned and approved by the general Congress. On the return of Capt. Jack, the delegation learned that their proceedings were individually approved by the members of Congress, but that it was deemed premature to lay them before the House. A joint letter from said three members of Congress was also received, complimentary of the zeal in the common cause, and recommending perseverance, order and energy.

The subsequent harmony, unanimity and exertion in the cause of liberty and independence, evidently resulting from these regulations, and the continued exertion of said delegation, apparently tranquilised this section of the State, and met with the concurrence and high approbation of the Council of Safety, who held their sessions at Newbern and Wilmington alternately, and who confirmed the nomination and acts of the delegation in their official capacity.

From this delegation originated the Court of Enquiry of this County, who constituted and held their first session in Charlotte—they then held their meetings regularly at Charlotte, at Col. James Harris's and at Col. Phifer's alternately one week at each place. It was a civil Court founded on military process. Before this judicature all suspicious persons were made to appear, who were formally tried and banished, or continued under guard. Its jurisdiction was as unlimited as toryism, and its decrees as final as the confidence and patriotism of the County. Several were arrested and brought before them from Lincoln, Rowan and the adjacent counties—

[The foregoing is a true copy of the papers on the above subject, left in my hands by John M'Knitt Alexander dec'd; I find it mentioned

on file that the original book was burned April, 1800. That a copy of the proceedings was sent to Hugh Williamson in New York, then writing a History of North-Carolina, and that a copy was sent to Gen. W. R. Davie. J. M'KNITT.]⁷

The facts shown by the resolutions of May 31, 1775, and other authentic records preclude the possibility of any such action having been taken on May 20, 1775, as described in the narrative accompanying the foregoing resolutions. The resolutions of the 31st provided for the organization of the people of Mecklenburg into a regiment of militia at a future date. The colonel of that regiment could not have called a convention of two representatives of each company of that regiment to meet twelve days before provision had been made for the organization of the regiment. The resolutions of the 31st provided for the future organization of a convention of two selectmen from each of the nine companies of the regiment. This convention, not yet in existence on May 31, 1775, could not have done something on May 20, 1775. This narrative states that John McKnitt Alexander was elected clerk of the convention. The resolutions of May 31 show that Ephraim Brevard was secretary of the committee which passed the resolutions, and John McKnitt Alexander said in his rough summary that the "Declaration" was passed by a committee and made no claim for himself as its secretary. This narrative asserts that Adam Alexander was colonel of the Mecklenburg regiment and called the convention. The authentic records of the Provincial Congress of North Carolina show that Thomas Polk was appointed colonel and Adam Alexander lieutenant-colonel, respectively, of the Mecklenburg regiment by that body, September 9, 1775.⁸ This narrative makes Abraham Alexander chairman of the convention. It appears by a much published certificate, dated November 28, 1775, respecting the loyalty of William Henderson, that Abraham Alexander was then "Chairman of the Committee of P. S." for Mecklenburg County. That accounts for our chairman of the "convention".⁹

The genuineness of this "Declaration" was immediately questioned and the testimony of eye-witnesses to the traditionary "Declaration" was invoked, Colonel William Polk, himself an eye-witness, being most active in collecting this testimony. But a critical analysis of the statements so made (which were published in local newspapers at the time and in pamphlet form by Colonel Polk

⁷ From the files in the Library of Congress.

⁸ *Colonial Records of North Carolina*, X. 206.

⁹ The permanent presiding officer of a convention is called president, and was so called in 1775 as well as to-day.

in 1822) will show that this testimony sustains the resolutions of May 31, of which there was then no copy before the public, rather than the "Declaration" produced by Alexander, the former paper reasserting itself upon the memories of the witnesses in spite of what the printed memoranda furnished them.

Among those who made statements at this time, having before them the printed version of the alleged "Declaration", was Captain James Jack, who said that he had carried the "Declaration" to Philadelphia, leaving Charlotte in June and passing through Salisbury where court was in session and where the "Declaration" was read aloud in open court to the assembled populace. John McKnitt Alexander had said in his rough notes made in 1800 that Captain Jack had carried the "Declaration" to Philadelphia and Governor Martin had said in his letter of June 30, 1775, that the resolutions of May 31, 1775, had been sent to Philadelphia immediately upon their passage. The only court held in Salisbury for a month or more after May 20, 1775, was held from the 1st to the 6th of June. It is evident that Jack carried the resolutions of May 31.

In August, 1819, Colonel William Polk sent Judge A. D. Murphey a revised copy of what had been published in the *Raleigh Register* a few months before, saying: "The resolutions of the Mecklenburg delegates is taken from a manuscript copy given by Dr. Jos. McKnitt Alexander of Mecklenburg. I cannot vouch for their being in the words of the Committee who framed them, but they are essentially so." Judge Murphey further revised and polished up this paper and published it in *The Hillsboro Recorder* in March, 1821.

Some time elapsed after the publication of Alexander's "Declaration" before any claim was publicly made that it had been signed. About 1825 a broadside appeared containing the first three of the resolutions of this "Declaration" with a list of the alleged "signers" appended thereto, this list being made up of every name that had been mentioned by the memory-witnesses as connected with the committee or "convention". It was at once seen that this was a manufactured product and the compiler of it soon admitted that he had printed it merely as a souvenir of the semi-centennial of the adoption of the "Declaration". Nevertheless the names appended thereto have ever since been regarded by the super-credulous as real "signers". But the court records of Charlotte and Salisbury show that Robert Harris, Abraham Alexander, Robert Irwin, Richard Barry, John Foard, Hezekiah Alexander, Adam Alexander, and others of the alleged "signers" sat as justices of the peace in the

county court of Mecklenburg and held court regularly every quarter up to and including the session of July, 1776, in the name of the King; that William Kennon, another alleged signer, practised before the King's court at Salisbury on the second of June, 1775, and that Waightstill Avery, another alleged signer, was appointed "Attorney for the Crown" at Salisbury, August 2, 1775.

On July 4, 1828, *The Charleston Mercury* published another version of the "Declaration" slightly different in verbiage from all previous versions. The contributor signed his article "Guilford". In November of the same year another slightly different version appeared in Garden's *Anecdotes of the American Revolution*, but it is plainly to be seen upon comparing the Guilford and Garden versions that the latter was revised from the former.

In 1829 Judge F. X. Martin of Louisiana, formerly of North Carolina, published a history of North Carolina in which he incorporated this "Declaration". It is clear from the context, the circumstances under which it appeared, and the absence of accurate references as to the source from which it was obtained, despite the claim in his preface that his work had been prepared twenty years before, that this version of the "Declaration" was obtained after the other chapters of his work had been prepared, and the correspondence of Judge Murphey, now in evidence, shows that Martin used the version Judge Murphey published in March, 1821.

In the same year that Martin's history appeared Thomas Jefferson's works were published and therein was found a letter from Jefferson to John Adams in which Jefferson declared that this "Declaration" was spurious and that he had never heard of it before. An examination of Adams's writings and additional letters by Jefferson still in manuscript reveals the fact that Adams fully agreed with Jefferson and that they were both quite indignant over this alleged "Declaration". Jefferson's letter aroused renewed interest in the matter in North Carolina and drew from Dr. Joseph McKnitt Alexander a verbose, bombastic contribution on the subject to *The Yadkin and Catawba Journal* of Salisbury, of November 9, 1830, under the caption, "Declaration of Independence, by the citizens of Mecklenburg County (then including Cabarrus) North Carolina, on the 20th day of May, 1775", and over his full name. The following are the most pertinent passages from that contribution:

To every ingenious mind, the difficulty is at once obvious of establishing by *positive* proof, such a transaction, 55 years after its occurrence, when no record of the transaction could be *officially* kept; when a long Revolutionary war supervened; the place of its occurrence, for a season, being in the occupation of the enemy; when all the delegates

are in the silent grave, and when the validity of the transaction has never been called in question until Mr. Jefferson, in a letter of his recently published, pronounced it "a spurious and unjustifiable quiz". . . . [He here gives abstracts from the certificates of the eye-witnesses before mentioned.] There is now a paper in my possession, written and signed by J. M. Alexander, and purports to be extracted from the old minutes, etc. Of this there is no date to show when these extracts were made; the introductory part is similar, as far as it goes, to that placed in the hands of Gen. Davie. The Resolves entered into, are in this extract noticed as follows: . . . [He here quotes inaccurately a part of the rough summary left by his father.] I hold these papers, certificates, etc., subject to the inspection of any one desirous of examining them.

From the preceding certificates, it appears most probable that there were drawn up by a select committee, a declaration of grievances and a formal Declaration of Independence, which, if so, was the paper sent on by Captain Jack to Congress; the original of which is lost to us through the death, shortly afterwards, of Dr. Ephraim Brevard, the Chairman of the Committee, and by the occupation of Charlotte by Cornwallis, where the Dr. lived, and where his papers probably were. But be this as it may, we have an authentic copy of these resolves and bye-laws mentioned in so many of the certificates, in the handwriting of John McKnitt Alexander, and certified by him as Clerk, which had been by him deposited with Gen. Wm. R. Davie, for the use of some future historian; and after the death of the General, procured and deposited with us, by Dr. Samuel Henderson, now Clerk of the Superior Court of this County. . . . [He here repeats the resolutions that he had published in the *Raleigh Register* in 1819.]

These Resolves having been concurred in, bye-laws and regulations for the government of the standing Committee of Public Safety were enacted and acknowledged, etc., etc. The whole proceedings of the delegation, though interesting, are too long for this publication.

In the certificate which he published in the *Raleigh Register* "J. M'Knitt" stated that he had found it "on file" that a copy of the "proceedings" was sent to General Davie. This "copy" was obtained by Dr. Samuel Henderson from Major F. William Davie soon after the General's death and given to Dr. Joseph McKnitt Alexander. Henderson certified to that effect, November 25, 1830, stating that he knew the handwriting to be that of John McKnitt Alexander, and that the paper was torn and that Major Davie had told him, when asked how it had become torn, that his sisters had torn it, "not knowing what it was".

At its session of 1830-1831 the General Assembly of North Carolina appointed a committee to investigate certain historical records including the papers pertaining to Dr. Alexander's "Declaration". The Doctor turned over to the committee certain evidences he had gathered and the committee reported in favor of the genuineness of the "Declaration" and ordered their report and the papers upon which it was based to be published.

During the next few years several copies of the resolutions of May 31, 1775, were discovered and critical historians at once saw the foundation for the tradition and the testimony of the eye-witnesses. But the myth had become a reality, and logical deductions and reliable evidence could not now carry weight with the myth-worshippers.

After the report of the legislative committee the papers which Dr. Alexander had loaned were returned to him and about 1845, after his death, were given into the custody of the state by his family. A paper hitherto unmentioned was now discovered among them. It contained the same resolutions and historical note, with a few textual variations, as were published in the *Raleigh Register* of April 30, 1819. To this paper and the "half sheet" whereon John McKnitt Alexander's rough summary had been written the following certificate was attached:

No. Carolina, {
Mecklenburg County. }

The sheet and torn half sheet to which this is attached (the sheet is evidently corrected in two places by John McKnitt Alexander as marked on it —the half sheet is in his own handwriting) were found after the death of Jno. McKnitt Alexander in his old mansion house in the centre of a roll of old pamphlets, viz: "an address on public liberty printed Philadelphia, 1774;" one "on the Disputes with G. Britain, printed 1775"; and "an address on Federal policy to the Citizens of No. C., a held at Hallifax the 4 of April, 1776," which papers have been in my possession ever since. Certified Novr. 25th, 1830.

J. McKNITT.

In an address delivered at an Academy near Charlotte, published in the *Raleigh Minerva* of 10th Augt., 1809, the Mecklenburg Declaration is distinctly stated, etc.

As to the full sheet being in an unknown handwrite, it matters not who may have thus copied the original record: by comparing the copy deposited with Genl. Davie they two will be found so perfectly the same, so far as his is preserved, that no imposition is possible—the one from the same original as the other is conclusive. I have therefore always taken from the one which is entire, where the other is lost. the entire sheet is most probably a copy taken long since from the original for some person, corrected by Jno. McKnitt Alexander, and now sent on. the roll of pamphlets with which these two papers were found I never knew were amongst his old surveying and other papers untill after his death. they may have been unrolled since 1788.

J. McKNITT.

All of the Davie "copy" was gone except the last two resolutions and the following certificate in the handwriting of John McKnitt Alexander, which had received no notice from the legislative committee or Dr. Joseph McKnitt Alexander or any other of

the champions of the genuineness of the "Declaration" published in 1819:

It may be worthy of notice here to observe that the foregoing statement, though fundamentally correct, may not literally correspond with the original record of the transactions of said delegation and court of inquiry, as all those records and papers were burnt with the house on April 6, 1800; but previous to that time of 1800 a full copy of said records, at the request of Dr. Hugh Williamson, then of New York, but formerly a representative in Congress from this State, was forwarded to him by Colonel William Polk, in order that those early transactions might fill their proper place in a history of this State, then writing by said Dr. Williamson, in New York. Certified to the best of my recollection and belief, this 3d day of September, 1800.

J. MCK. ALEXANDER.

This is the history in brief of the so-called "Mecklenburg Declaration of Independence" as told by the records submitted in evidence in the two volumes cited at the beginning of this review and by additional evidence cited by this reviewer and not cited in either book. From the first publication of the alleged "Declaration" in the *Raleigh Register* to the present there has been an interminable controversy going on over the question of the genuineness of this document, and these two volumes are resultants of that controversy. In them are arrayed the bulk of the evidence and arguments heretofore presented on either side of the controversy and, in addition thereto, both Messrs. Graham and Hoyt have presented many new phases of the question, much additional evidence, and many new arguments.

Dr. Graham has abandoned the main point contended for by the early advocates of the "Declaration" alleged to have been passed May 20, 1775, and has advanced a new theory which does not stand the test of critical examination. Heretofore it has been vigorously contended that the "Declaration" as published in the *Raleigh Register* was a correct copy of the original and the certificate thereon by John McKnitt Alexander stating that it was written from memory has been ignored. Dr. Graham now admits that that "copy" was made from memory and not correctly worded. He sets up the claim that the Martin and Garden copies were obtained from original sources and therefore genuine copies. As they differ from each other about as much as they differ from the *Raleigh Register* version it would be puzzling to know which of them really is the correct version, but for the fact that Mr. Hoyt shows conclusively that neither was taken from original sources but that both of them as well as all other versions so far produced in evidence were drawn

from the *Raleigh Register* version and altered to suit the taste of the writer or the idiosyncrasies of the printer. Dr. Graham has offered some new evidence to sustain the validity of the "Declaration" alleged to have been passed on the 20th, but he has failed to grasp securely the import of that evidence or represent it accurately, and Mr. Hoyt has with little difficulty refuted every item of it. In addition to the copies of the "Declaration" published by Martin and Garden, the school boy's declamation and the Davie "copy"—all of which are shown by Mr. Hoyt not to sustain the validity of the alleged "Declaration" of the 20th—Dr. Graham offers three more items of evidence equally unsubstantial.

The first of these is a poem entitled "A Modern Poem" by "The Mecklenburg Censor". Dr. Graham asserts that that poem was dated March 18, 1777, and quotes the first seventeen lines of it, the last three of which run

First to withdraw from British trust,
In Congress they the very first,
Their Independence did declare.

There is a complete copy of "A Modern Poem" in the Charleston Library; it bears annotations by a citizen of Charlotte in 1777, and does not contain the three lines quoted. The poem was written in satirical criticism of the action of the people of Mecklenburg County in choosing delegates to the constitutional convention of 1776 and had nothing to do with any action taken in May, 1775. It was published by another citizen of Mecklenburg on March 30, 1777, and "The Editor" stated that he had considered the poem too harsh *until* he "saw the same spirit of insipid indifference prevailed at our last election, held on the 10th day of March". Mr. Hoyt points out that this proves that the poem Dr. Graham quotes from is not the original if it is dated March 18, 1777, and that the three lines relied on to sustain the genuineness of the "Declaration" alleged to have been passed on May 20 do not consist with the rest of the poem or with the well established history of the time.

Dr. Graham cites certain Mecklenburg deeds that date independence from 1775 as proof that Mecklenburg passed that specific "Declaration" on May 20 of that year. Mr. Hoyt has answered by showing that it is nothing unusual to find a deed dated one year too soon or one year too late.

Dr. Graham cites the tombstone record of Benjamin Wilson Davidson which gives the date of his birth as May 20, 1787, and states that Davidson's sons had said that their grandfather had

called their father "My Independence Boy" and that his neighbors had called him "Independence Ben". The tombstone does not give the date of Davidson's death, although quite positive as to the date of his birth. It appears to be debatable whether "My Independence Boy" was not born on the 4th of July rather than the 20th of May, or whether, having been born on May 20, he did not receive that designation after the publication in 1819 of the alleged "Declaration" of May 20, rather than in his infancy. Dr. Graham furnishes no evidence to settle these questions one way or the other. The statements of his father, Major John Davidson, an alleged signer of the "Declaration", shows that he had entirely forgotten the date and most of the circumstances of the meeting when questioned about it more than forty-five years after.

Dr. Graham insists that the Martin letter of June 30, 1775, referred to the "Declaration" of May 20, but the Martin papers themselves quoted here and by Mr. Hoyt show that every reference made by Governor Martin was to the resolutions of May 31.

Mr. Hoyt has produced the most scholarly work yet presented on this much-mooted question and has done it according to the most approved methods of the school of scientific history, "minute and accurate investigation, reserved judgment, impartial feeling, a fondness for institutions rather than for personalities, and a touch of iconoclasm in dealing with the accepted facts of the old school". In his preface he says: "I came to my subject before Dr. George W. Graham's book was announced, with the intention of writing a defence of the authenticity of the Mecklenburg Declaration, but the irresistible logic of facts drove me to my present position." Each item of evidence pro or contra has been most carefully considered in a most impartial manner; its strength and its weakness shown and its value given. Each argument has been met freely and completely; there has been no shirking or evading or misrepresenting or perverting; just what the records show has Mr. Hoyt given and weighed with fine judgment. He has given the real value of, or completely refuted, every item of evidence Dr. Graham has presented in behalf of his "Declaration", and his arguments have overshadowed those of Dr. Graham in logical conclusions at every point. He has destroyed the entire foundation of this false structure—has not left even a prop to hold it up—and has hurled it into the slough of historical myths where it is to be hoped the truth-loving world will let it remain. Mr. Hoyt deserves the thanks of the real students of history—those who love truth because it is the truth.

But while Mr. Hoyt has conclusively shown that the alleged

"Declaration" is spurious; that it was constructed from John McKnitt Alexander's rough notes, although not adhering to the statements therein made in certain particulars and actually changing them in others; that the first version published was not adhered to in subsequent publications thereof emanating from the same source from which that first version emanated; that the testimony of eye-witnesses to the passage of the traditionary declaration contradicted many of the statements therein made and induced the General Assembly to declare as genuine a revised version of what Dr. Joseph McKnitt Alexander had given to the world as a copy of the original and subsequently reiterated to be such—all of which proves that neither the original nor an authentic copy of the original was ever in evidence—he does not offer a suggestion as to who was the manufacturer of that spurious paper. He accepts in good faith Dr. Joseph McKnitt Alexander's irreconcilable statements that the paper had been "left in my hands by John M'Knitt Alexander dec'd" and that it had been "found after the death of Jno. McKnitt Alexander in his old mansion house in the centre of a roll of old pamphlets". But we think that he has himself published enough evidence to at least create a suspicion against the honesty of Dr. Joseph McKnitt Alexander in connection with that paper, and when we add to that evidence certain information gathered by this reviewer and hereafter submitted, the evidence appears to be convincing that Dr. Joseph McKnitt Alexander was himself the author of that spurious "Declaration".

In the first paper which he gave to the world Dr. Alexander carefully avoided acknowledging that John McKnitt Alexander was his father; hid his identity under the signature "J. McKnitt"; mentioned "papers" left in his hands by "John M'Knitt Alexander dec'd", although he produced only one paper and did not say how many more there were or what their import was; and did not say that John McKnitt Alexander was the author of the paper or tell how the latter came into possession of it, or in what shape it was. He was evidently leaving loop-holes to escape in the event that he was "cornered". He stated that he had found it "on file that the original book was burned April, 1800. That a copy of the proceedings was sent to Hugh Williamson in New York, then writing a History of North-Carolina, and that a copy was sent to Gen. W. R. Davie". When we compare certificates we are forced to the conclusion that he was then cognizant of the contents of the certificate his father had put to the Davie copy and knew that the paper he had was a concoction and not a genuine record. Hence this vague-

ness. In his article in the *Yadkin and Catawba Journal* he stated that there was "an authentic copy of these resolves and bye-laws mentioned in so many of the certificates, in the handwriting of John McKnitt Alexander, and certified by him as Clerk which had been by him deposited with Gen. Wm. R. Davie, for the use of some future historian". He knew that this was false, for the Davie "copy" contained the father's certificate that that paper was not taken from an original record but was prepared from memory and was only true to the best of his belief, and there was nothing thereon to show that he claimed to have been clerk of the body that passed the "Declaration" which he saw voted. He made it further appear that he had the "whole proceedings of the delegation" which, "though interesting", were "too long for this publication". He forgot that at the outset of the very same article he had said that it was difficult to prove a thing after fifty-five years "when no record of the transaction could be *officially* kept; when a long Revolutionary war supervened; the place of its occurrence, for a season, being in the occupation of the enemy; when all the delegates are in the silent grave". As a matter of fact, he never did have a single original record and all that he was ever able to produce was the rough summary prepared by his father, the paper of doubtful origin and the Davie "copy" made and certified by his father as a record from memory, and of that only the last two resolutions and the certificate were left. At the outset of his communication he gave the impression that no records of the convention had been kept, yet at a later point stated that he had in his possession a paper "written and signed by J. M. Alexander, and purports to be extracted from the old minutes". If no official records were kept, whence these minutes and when did his father take the notes from them? The Bancroft copy of these notes, which Mr. Hoyt has reproduced, shows that they bear on their face the evidence that they were written in 1800, and the Davie "copy", which was most likely a polished edition of those notes, was written some months after the burning of the house, and the certificate thereon stated that all had been lost therein. This proves that nothing came from original sources.

We might excuse Dr. Alexander's failure to see that the paper in the unknown hand contained statements contradictory of the rough notes in his father's hand and language stolen from Jefferson's immortal production, on the ground of lack of critical discernment, but for the fact that even after he got the Davie "copy" which should have set him straight he even more than before tried to keep up the deception. It will be seen in his certificate of Novem-

ber 25, 1830, to the rough notes and the anonymous paper, that Dr. Alexander still maintained that the latter paper and the Davie "copy" had both been copied from "the original record" despite the certificate by his father to the "Davie" copy. Again, the wording of this last certificate arouses suspicion: "As to the full sheet being in an unknown handwrite, it matters not who may have thus copied the original record." But an examination of the anonymous paper, as shown by the Bancroft copy reproduced by Mr. Hoyt, reveals the fact that that paper was not copied from any other paper but was roughly constructed from the rough notes of the elder Alexander. There are too many blunders thereon that no copyist could have committed, however indifferent. Several times when the constructor of that paper followed too closely the rough notes and ran into matter that did not harmonize with statements previously made he scratched out the words and changed the construction. Notably is that the case in the paragraph referring to the "Court of Inquiry". The elder Alexander wrote: "And the first Court held in Charlotte after Cornwallis retreated retrograded or run away from Charlotte, the Court adjourned or rather appointed a Special Court of Enquiry". The person constructing from the rough notes started to put in something about Cornwallis but seeing that it would not harmonize with what had already been said about the import of the "Declaration" struck it out, constructing that paragraph as we see it in the *Raleigh Register*. Dr. Alexander certainly was intelligent enough to have seen upon comparing the two papers that the anonymous paper was simply an altered and enlarged version of the rough notes and not a copy of a record or minutes made in 1775, which could not have contained a reference to an event that occurred in 1780. And the following extracts from the minutes of the county court of Mecklenburg not only bear out the elder Alexander's reference in the rough notes to the Court of Enquiry, but show that the court was organized after Cornwallis's visit to Charlotte; that it had no connection with any action taken prior to the adoption of the North Carolina constitution of 1776, under which a county court had been established in Mecklenburg; and, finally, furnish us a clue to the origin of the tradition that John McKnitt Alexander was secretary of the body that passed the "Declaration":

January Session 1782.

Present: Abraham Alexander, Hezekiah Alexander, Robert Irwin, Edward Giles, William Wilson, John Flannikin, William Scott, Thomas Harris, and Samuel Blythe, Esquires. . . .

The court, consisting of 11 members, unanimously agreed to meet at the dwelling house of Major James Harris on Thursday the 7th day of Febr'y next, then and there to sit as a Court of Enquiry etc. and that they in their respective districts (especially in said Enterim do exert themselves to summon all persons therein whom they suspect to have forfeited their rites as citizens by joining, aiding or assisting our common enemy—or any person whom they know or suspect to have secreted any confiscated property, and that they likewise summon all evidences who they judge may be able to prove said crimes, and that each Justice apply to the militia officer for information etc. etc.

Ordered that the Clerk do immediately send at the expenses of the county to the absent justices in that quarter notifying them of the last mentioned resolutions etc. Viz. Robert Harris, junr. Dd. Reese, Martin Phifer, Danl. Jarret and Adam Alexander, Esqrs. and to Mr, James Reese, Commissioner.

JNO. M'K. ALEXANDER
Clerk *pro tem*.

In the rough summary made by the elder Alexander in 1800 he made no reference to Cabarrus County as formerly a part of Mecklenburg. It is perfectly plain that either the author of the Sugar Creek valedictory made use of the narrative which was subsequently published in the *Raleigh Register* or the narrative was prepared after the valedictory was published and the valedictory was used by the author of the narrative. The similarity of expressions and the similarly injected extraneous matter about Cabarrus County seem to fix that beyond question. But, if the author of the valedictory had had access in 1809 to the document which appeared in the *Raleigh Register* in 1819, would he not have been more specific in his statements? Would he not have mentioned the personages referred to in that narrative? Would he not have quoted some of the very patriotic sentiments of the "Declaration"? Would he not have given the date 1775 instead of 1776? It is evident that the author of the narrative in the *Raleigh Register* drew on the Sugar Creek valedictory, and as a confirmation of that statement it will be observed that in his certificate to the manuscripts that he claimed to have found stitched together Dr. Joseph McKnitt Alexander refers to that Sugar Creek valedictory.

The only evidences to connect John McKnitt Alexander with the paper published in the *Raleigh Register* in 1819, are (a) Dr. Joseph McKnitt Alexander's statements in his unpublished certificate to the two papers he claimed to have found in his father's old mansion, that the paper in the unknown hand had two corrections in his father's handwriting (only one is so marked on the paper itself) and that it was "perfectly the same" as the Davie "copy",

and (b) the fragment of the Davie "copy", declared by Henderson to be in his handwriting.

If John McKnitt Alexander had had the paper in the unknown hand in his possession and had made two corrections thereon, it is strange that he failed to correct other statements thereon that were in conflict with the paper which he had himself written. Why did he not change "convention" to "committee" as he had it on his paper? Why did he not correct the statement that he was the secretary of the "convention"? Surely his memory was not so poor that he had forgotten that he had not held that position, which we are now able to prove that Brevard held? Is it likely that John McKnitt Alexander would have given his silent approval to a paper so totally at variance with the truth and with what he himself had written on another paper, and then have left the two papers to posterity without a word of comment as to the source of the paper which differed so much from that in his own handwriting? The certificate which he attached to the Davie "copy" discloses the fact that he was too careful and too honest a man to do any such thing. It is very doubtful if he ever saw that paper in the unknown hand, of which his son gave a copy to Davidson in 1819.

Henderson did not certify that the Davie "copy" was "perfectly the same" as the publication in the *Raleigh Register*, nor did anyone else who saw it before or after it fell into the hands of Dr. Joseph McKnitt Alexander so certify, and there is ample ground for the belief that Dr. Alexander tried to make the two resolutions that were left conform to the *Raleigh Register* publication after he got it. And notwithstanding his certificate that it was "perfectly the same" as the publication in the *Raleigh Register*, which he had been trying to impose upon the world as a genuine copy of the "Declaration", he nowhere mentioned or quoted the certificate which his father had placed upon it to show that it was not a genuine copy of the "Declaration" but an imperfect copy made from memory. Moreover, the Bancroft copy of the anonymous paper shows that it did differ from that in the *Raleigh Register*, though the Davie paper is asserted to be a twin copy of the original of the latter.

About 1853, ex-Governor D. L. Swain, who had been appointed historical agent of North Carolina, removed the Davie "copy" with other papers relating to the Mecklenburg "Declaration" from the state archives to the University of North Carolina at Chapel Hill. Whether he got the rough summary by John McKnitt Alexander and the paper in the unknown hand is not shown, but, fortunately for the truth of history, copies of these were made for Bancroft

while they were there. Mr. Hoyt has reproduced these. The Davie "copy" was examined at Chapel Hill by Professor Charles Phillips, of the university faculty, who contributed an admirable paper on the subject of the "Declaration" to the issue of the *North Carolina University Magazine* for May, 1853. In a subsequent letter to Lyman C. Draper, Professor Phillips stated that when he first saw the Davie "copy" it "contained the last two resolutions only, and the certificate" of John McKnitt Alexander, which was the conclusion of the document, thus confirming what Henderson had said about the condition in which it was when he got it. In another letter to Draper, Professor Phillips said: "There is no evidence that John McKnitt Alexander claimed for himself the Secretaryship in 1775." Draper adds: "That introductory portion, with the first three of the Resolves, had been torn off 'the Davie copy' before the document reached Gov. Swain and Prof. Phillips; so they had no opportunity of testing the handwriting."¹⁰ In another private letter Professor Phillips said: "The condition of the originals in our possession here, the diversity of handwriting, the frequent interlineations, erasures, etc., show that the younger Alexander tried to set forth a poem in Alexandrian measure."

It is very doubtful, therefore, if the original Davie "copy" was "perfectly the same" as the paper in the unknown hand. By the fragment of it which was left it was impossible to show that it had ever contained the introductory narrative which was published in the *Raleigh Register*, and which contains so many statements at variance with well-established facts, or that the first three resolutions thereof were in the same language as the corresponding resolutions of the publication in the *Raleigh Register*, which contain all of the expressions stolen from the national Declaration of Independence. And it has been pretty conclusively shown that the fourth and fifth resolutions, which were left, and which, even in the *Raleigh Register* publication, contain nothing inconsistent with what John McKnitt Alexander wrote in his rough notes, were altered, and, even then, Professor Phillips, who compared the two original papers, says that the two resolutions differ in the two documents in perhaps one important particular.

It is now perfectly clear that the document given to Davidson by Dr. Alexander and subsequently published in the *Raleigh Register* was a fabrication; that Dr. Joseph McKnitt Alexander gave it to the world as a genuine copy of an original, although, by his subse-

¹⁰ Lyman C. Draper's MS. history of the Mecklenburg "Declaration", vol. I., ch. iv. (Wisconsin State Historical Society.)

quent admission, he did not know its origin; and that when he himself discovered evidence to show that it was not a copy of an original he continued to deceive the public into believing that it was. In the absence of the anonymous paper, the rough notes by John McKnitt Alexander and the fragment of the Davie "copy", a charge of forgery against Dr. Alexander could not be directly proven, but we submit that the circumstantial evidence against him is very strong; strong enough to convict any man of fewer champions.

Mr. Hoyt's book shows that in addition to the original spurious "Declaration" there have been four or five fraudulent compilations or flagrant forgeries committed at various times since 1819 to sustain the validity thereof, the most notorious of them being the Millington Miller forgery of a *Cape-Fear Mercury* of June 3, 1775, containing the alleged "Declaration", noticed in this magazine in April, 1906.

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